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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 MICHAEL A BURNHART,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON et al.

14 Defendants.

CASE NO. C11-5845-RBL-JRC

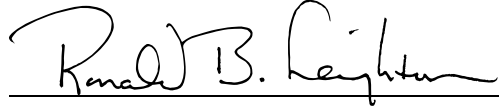
ORDER ADOPTING A REPORT  
AND RECOMMENDATION

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16 The Court having reviewed the Report and Recommendation of the Hon. J.  
17 Richard Creatura, United States Magistrate Judge, objections to the Report and  
18 Recommendation, if any, and the remaining record, does hereby find and Order:

- 19 (1) The Court adopts the Report and Recommendation; and  
20 (2) This action is dismissed with prejudice as malicious with the  
21 dismissal counting as a strike pursuant to 28 U.S.C.1915 e(2) and 28  
22 U.S.C. 1915 (g). All pending motions are denied.  
23 (3) This is the fourth time plaintiff has filed a civil rights action  
24 challenging the length of his sentence. He has been repeatedly  
informed actions of this nature must proceed through habeas corpus.

1 Plaintiff's actions are abusive of the judicial process and should not  
2 be subsidized and encouraged by the generosity of the in forma  
3 pauperis statute.

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5 DATED this 21<sup>st</sup> day of November, 2011.

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7 RONALD B. LEIGHTON  
8 UNITED STATES DISTRICT JUDGE  
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